IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 21 OF 2005

Anil S. Nagpal and Ors. ...Petitioners

Versus

Ulhasnagar Municipal Corporation and Ors. ...Respondents.

Mr. R.S. Datar for the petitioner.
Mr. R.M. Sawant for the respondent.

CORAM: **DALVEER BHANDARI, C.J.** &
S.A. BOBDE, J.
DATE: **FEBRUARY 08, 2005**.

P.C.

During the pendency of the petition, the parties have amicably settled the matter and tendered consent minutes of the order duly signed by the respective Advocates for the parties. The same is taken on record and marked "X" for identification. Order in terms of the consent minutes of the order.

2. The consent minutes of the order read as under:

"1. The Respondent Municipal Corporation has issued notice under Sections 53, 54 read with 52 of the Maharashtra Regional and Town Planning Act in respect of the unauthorised

construction on plot bearing Barrack No. 1017, Room No. 567, Sheet No.21, Ulhasngar-3 in building known as Komal Kunj. The said notice was replied to by one Advocate Dhanwani by his letter dated 14.1.2004. The Deputy Municipal Commissioner of the Respondent Municipal Corporation has held a hearing pursuant to the said notice in accordance with the provisions of Section 53 of the MRTP Act, 1966 and has passed an order on 3.11.2004 confirming the said notice. The said order has been addressed to the developers of the property, viz. Nilesh Parwani and Smt. Usha Achra.

2. Since the petitioners who are the flat purchasers and occupiers in the building in question, have made a grievance that they have not been heard prior to the action of demolition having been taken by the Corporation, the Respondent Corporation is directed to hear the Petitioners, i.e. Flat purchasers/occupiers of the said building. The Petitioners will make a representation to the Corporation with a period of two weeks and the said representation would be disposed of by the Corporation within a further period of four weeks from the receipt of the said representation. *Status quo* will be maintained by the parties till

disposal of the representation. In case such a representation is not made, the Corporation is free to take action as per law.

3. Petition is accordingly disposed of."

CHIEF JUSTICE

S.A. BOBDE, J.